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Attorneys for Plaintiff Andrew Hamer

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW HAMER,

Plaintiff,

vs.

CITY OF EUREKA; COUNTY OF
HUMBOLDT; CITY OF ARCATA; STATE
OF CALIFORNIA, DEPARTMENT OF THE
HIGHWAY PATROL; TERRY LILES,
MURL HARPHAM; BILL NOVA; JOHN
DOE 1,

Defendants.

Case No. CV 12 -6077-JSW

**STIPULATION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT;
DECLARATION IN SUPPORT
THEREOF; ORDER**

STIPULATION

The parties to this action hereby stipulate that plaintiff be granted leave to file the proposed Second Amended Complaint, a copy of which is attached hereto as Exhibit 1.

DATED: May 16, 2013 LAW OFFICES OF DAVID DIBBLE

By: /s/ David P. Dibble
David P. Dibble, Esq.
Attorneys for Plaintiff Andrew Hamer

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1 DATED: May 16, 2013 MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

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3 By: /s/ Nancy K. Delaney
4 Nancy K. Delaney, Esq.
5 Attorneys for defendants City of Eureka, City of
Arcata, Terry Liles, Murl Harpham and Bill Nova

6 DATED: May 16, 2013 ZWERDLING, BRAGG & MAINZER, LLP

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8 By: /s/ William R. Bragg
9 William R. Bragg, Esq.
10 Attorneys for defendant County of Humboldt

11 **DECLARATION OF DAVID P. DIBBLE, ESQ. IN SUPPORT OF STIPULATION FOR**
12 **LEAVE TO FILE SECOND AMENDED COMPLAINT**

13 I, DAVID P. DIBBLE, declare:


14 That I am an attorney at law admitted to practice before this Court and all courts
15 of the State of California and have my offices in Eureka, Humboldt County, California, and am
16 one of the attorneys for the plaintiff in the within action. That I have personal knowledge of the
17 following facts and if called upon to testify could competently testify thereto.

18 Upon the filing of the Complaint in this action, plaintiff was unaware of the
19 identity of one of the law enforcement personnel that assisted in the restraint and detention of
20 plaintiff on the morning of November 11, 2011. In addition, plaintiff was unaware of the
21 employer of that person. Accordingly, that person was named in the Complaint as John Doe 1
22 and the agencies participating in this enforcement action were named as his employer.

23 Since filing the complaint, defendant County of Humboldt has identified that
24 person as Humboldt County Sheriff Deputy Seth N. Crosswhite. Accordingly, plaintiff desires to
25 file a Second Amended Complaint naming Deputy Seth N. Crosswhite in place and in stead of
26 defendant John Doe 1. Plaintiff has also agreed to dismiss the City of Arcata upon its
27 representation that none of its personnel were involved in the restraint and detention of plaintiff.
28 The proposed Second Amended Complaint incorporates these changes.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this 16th day of May, 2013 at Nashville, Tennessee.

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David P. Dibble, Esq.

5 **ORDER**

6
7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 DATED: May 17, 2013

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11 Hon. Jeffrey S. White, Judge